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Paper No. 13

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JAN 21 2004

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

In re Application of:  
Hasegawa et al.  
Application Serial No.: 09/336,636  
Filed: June 18, 1999  
For: DIGITAL SUBSCRIBER LINE  
COMMUNICATING SYSTEM AND A  
TRANSCEIVER IN THE SYSTEM

: DECISION  
: SUA SPONTE  
: WITHDRAWING  
: HOLDING OF  
: ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A final Office action was mailed on October 30, 2002, setting a three (3) month shortened statutory period for response. A response was filed on January 29, 2003 (paper No. 10) and a resulting Advisory action was mailed on February 6, 2003 (paper No. 11). In the apparent absence of a timely filed response placing the application in condition for allowance, or other appropriate action, the application was considered abandoned. A notice of abandonment had not yet been mailed.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the holding of abandonment is withdrawn and the application restored to pending status in view of the December 18, 2003 submission of facsimile copies of a request for Continued Prosecution Application (CPA), request for extension of time, a preliminary amendment and stamped postcard receipt which itemizes aforementioned items (all stamped with the same Express Mail receipt in number).

The original CPA request, acknowledged as having been received in the USPTO on March 28, 2003 (based on the post card receipt), is not of record in the application file and cannot be located. However, M.P.E.P. § 503 states that "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO."

The application is being forwarded to the Technology Center's technical support staff for processing of the CPA request. Thereafter, the application will be forwarded to the examiner for appropriate action.

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